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10/019,790	05/01/2002	Ofer Shem Tov	VOCL 19.298	7689

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Rosenman & Colin
15th Floor
575 Madison Avenue
New York, NY 10022-2585

EXAMINER

SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,790

Applicant(s)

TOV ET AL.

Examiner

Philip S. Scuderi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 1, 4, 5, 9 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: “configured to carry out steps of”. Examiner suggests “configured to carry out the steps of”. Appropriate correction is required.
2. Claims 1 and 9 are objected to because of the following informalities: “the DTMF signals coding for one or more commands”. Examiner suggests “the DTMF signals comprising coding for one or more commands” or “wherein the DTMF signals are coding for one or more commands”. Appropriate correction is required.
3. Claim 4 is objected to because of the following informalities: “a public switched telephone network an a computer network”. Examiner suggests “a public switched telephone network and a computer network”. Appropriate correction is required.
4. Claim 5 is objected to because of the following informalities: “the stored data consist of”. Examiner suggests “the stored data consists of”. Appropriate correction is required.
5. Claim 14 is objected to because of the following informalities: “the data consist of”. Examiner suggests “the data consists of”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 2, 3, 6, 7, 12, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. With respect to claims 2 and 3, although Examiner is aware of applicant's most probable intention, both claims are indefinite and claim 3 is not supported by the specification. The apparatus of claim 1 receives DTMF signals over a network and executes commands coded by the DTMF signals, which is fully supported by the specification (figure 1 #130, etc.). Claim 2 further limits the apparatus of claim 1 to comprise a DTMF signal generator. It is plausible that VoIP software could be considered a DTMF signal generator, but in view of claim 3 it is more likely that it was applicant's intention to further limit the remote source. In either case it is questionable whether claim 2 is supported by the specification. Claim 3 limits the signal generator to be a touch-tone telephone, which is clearly not supported by the specification. Examiner suggests either amending claim 2 to further limit the remote source rather than the apparatus of claim 1 or amending claims 1-7 and 12 to claim a system rather than an apparatus. Claims 2 and 3 will be treated under the presumption that claims 2 and 3 further limit the remote source.

9. With respect to claim 7, although Examiner is aware of applicant's most probable intention, the claim is not supported by the specification. The apparatus of claim 1, supported by figure 1 #130 etc., the specification clearly does not support the apparatus comprising an interface for converting a DTMF signal transmitted over a public switch telephone network into an equivalent Internet Protocol signal. Examiner suggests amending claim 7 to further limit the network rather than the apparatus of claim 1 or

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amending claims 1-7 and 12 to claim a system rather than an apparatus. Claim 7 will be treated under the presumption that the claim further limits the network.

10. Claim 6 recites the limitation "the stored data" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 5 recites that the apparatus is configured to, or has the ability to, store data, but not that stored data actually exists.

11. Claim 12 recites the limitation "the method according to claim 1" in line 1. There is insufficient antecedent basis for this limitation in the claim. Examiner will treat the claim under the presumption that applicant intended to refer to the method of claim 9.

12. Claim 14 recites the limitation "the data" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 13 recites that the apparatus is configured to, or has the ability to, store data, but not that stored data actually exists.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noonan et al. (U.S. 5,761,280, hereinafter "Noonan") in view of Laursen et al. (U.S. 6,233,608, hereinafter "Laursen").

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15. With respect to claims 1 and 9, Noonen discloses an apparatus (fig. 1 #24) and a method for control of a website visit configured to carry out the steps of:

- receiving one or more DTMF signals (fig. 7 #52, col. 5 lines 43-44) transmitted from a source (fig. 1 #24), the DTMF signals comprising coding for one or more commands (fig. 7 #54, col. 5 lines 41-43), and
- executing the commands coded by the DTMF signals so as to control the website visit (fig. 7 #56, col. 5 lines 45-51).

Noonen does not disclose that the telephone is connected to interface 10 over a network. Nonetheless, it was very well known in the art to connect a telephone to send signals over a network, as evidenced by Laursen. In a similar art, Laursen discloses a cellular telephone (fig. 1 #106) that connects over a network to send signals (col. 6 lines 9-15). Given the teachings of Laursen it would have been obvious to use a mobile telephone in place of the telephone disclosed by Noonen. The motivation for doing so would have been to make the telephone portable.

16. With respect to claim 2, Noonen in view of Laursen teaches the apparatus applied to claim 1. Noonen further discloses the source comprising a DTMF signal generator (col. 3 lines 1-2).

17. With respect to claim 3, Noonen in view of Laursen teaches the apparatus applied to claim 2. Noonen further discloses that the DTMF signal generator is a touch-tone telephone (fig. 5 #24, col. 3 lines 1-2). One of ordinary skill in the art would immediately recognize that a cellular phone is also a touch-tone telephone.

18. With respect to claims 4, Noonan in view of Laursen teaches the apparatus applied to claim 1. It was well known in the art that telephones connect through public switched telephone networks. In light of the modification of claim 1 it would have been inherent the network would contain a public switched telephone network because the DTMF signals would have to travel through the PSTN to reach the interface 10.

19. With respect to claim 7, Noonan in view of Laursen teaches the apparatus applied to claim 1. It would have been necessary to provide a computer telephony/Internet interface configured to convert a DTMF signal transmitted over a public switched telephone network into an equivalent Internet protocol signal. The interface 10 queries the web page URL through the PSTN (see fig. 1). So, the DTMF signals sent over the PSTN must be converted into equivalent Internet protocol signals in order to request a web page.

20. With respect to claim 5, Noonan in view of Laursen teaches the apparatus applied to claim 1. Noonan further discloses the apparatus further configured for receiving (fig. 7 #52) and storing data (fig. 1 #18, col. 5 lines 18-19).

21. With respect to claim 6, Noonan in view of Laursen teaches the apparatus applied to claim 5. Noonan further discloses that the stored data consists of a code assigning a unique DTMF signal to each of one or more commands (Col. 4 lines 13-26 list unique

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DTMF signals (e.g. “##”, #V”). The commands must be stored in order for the commands to be interpreted.).

22. With respect to claim 8, Noonan in view of Laursen teaches the apparatus applied to claim 6. Noonan further discloses decoding a DTMF signal by executing the command assigned to the DTMF signal (col. 5 lines 45-51).

23. With respect to claim 10, Noonan in view of Laursen teaches the apparatus applied to claim 9. As discussed in the rejection of claim 9, the DTMF signals are transmitted from the remote source over a network.

24. With respect to claim 11, Noonan in view of Laursen teaches the apparatus applied to claim 10. Noonan further discloses that the step of generating one or more DTMF signals involves depressing buttons on the keypad of a touch-tone telephone (fig. 5 #24, col. 3 lines 1-2). One of ordinary skill in the art would immediately recognize that a cellular phone is also a touch-tone telephone.

25. With respect to claim 12, Noonan in view of Laursen teach apparatus applied to claim 9. It was well known in the art that telephones connect through public switched telephone networks. In light of the modification of claim 1 it would have been inherent the network would contain a public switched telephone network because the DTMF signals would have to travel through the PSTN to reach the interface 10.

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26. With respect to claim 15, Noonan in view of Laursen teaches apparatus applied to claim 9. It would have been necessary to provide a computer telephony/Internet interface configured to convert a DTMF signal transmitted over a public switched telephone network into an equivalent Internet protocol signal. The interface 10 queries the web page URL through the PSTN (see fig. 1). So, the DTMF signals sent over the PSTN must be converted into equivalent Internet protocol signals in order to request a web page.

27. With respect to claim 13, Noonan in view of Laursen teaches the apparatus applied to claim 9. Noonan further discloses receiving (fig. 7 #52) and storing data (fig. 1 #18, col. 5 lines 18-19).

28. With respect to claim 14, Noonan in view of Laursen teaches the apparatus applied to claim 13. Noonan further discloses that stored data consists of a code assigning a unique DTMF signal to each of one or more commands (Col. 4 lines 13-26 list unique DTMF signals (e.g. “##”, #V”). The commands must be stored in order for the commands to be interpreted.).

29. With respect to claim 16, Noonan in view of Laursen teaches the apparatus applied to claim 14. Noonan further discloses the step of decoding a DTMF signal by executing the command assigned to the DTMF signal (col. 5 lines 45-51).

Conclusion

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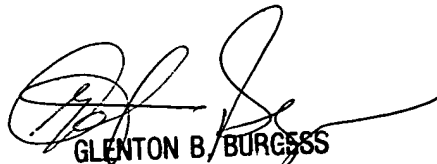
30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 8am-5pm.

32. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

33. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PSS


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100